

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

EX PARTE APPLICATION OF
DNG FZE FOR AN ORDER TO OBTAIN
DISCOVERY FOR USE IN FOREIGN
PROCEEDINGS PURSUANT TO 28 U.S.C. § 1782

23 mc 435 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


On November 10, 2023, petitioner DNG FZE (“DNG”) filed this action under 28 U.S.C. § 1782, seeking an order directing a PayPal Inc. (“PayPal”) senior manager, Michael Mulanaphy, to appear for a deposition on matters relevant to a proceeding pending in the High Court of Singapore. Dkt. 1 (*ex parte* application). The docket reflects that on November 20, 2023, DNG served Mulanaphy with its *ex parte* application. Dkt. 7. The docket does not reflect service upon PayPal.

Although the Court’s initial assessment is that DNG’s application is consonant with the statutory requirements and the “*Intel* factors” guiding the exercise of discretion in evaluating § 1782 applications, DNG’s application does not supply a reason for the application to be resolved *ex parte*.

The Court accordingly orders that DNG serve a copy of this order on PayPal and on Mulanaphy by the close of the business, Wednesday, November 29, 2023, and simultaneously serve PayPal with a copy of its *ex parte* application. Any opposition to the § 1782 application is due Monday, December 11, 2023; the Court will treat a failure to timely file an opposition as

signifying non-opposition. Any reply by DNG is due Friday, December 15, 2023. The Court will thereafter promptly act on the application.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 27, 2023
New York, New York